

ENTERED

October 26, 2021

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA

§

v.

§

JOSE SOLANO-ESPINO

§

§

Criminal Action No. 2:20-CR-000824-1

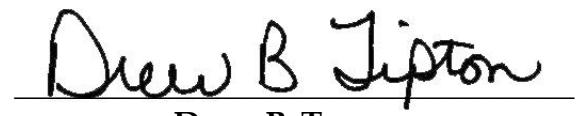
ORDER

Before the Court is Defendant Jose Solano-Espino's *pro se* motion requesting "a new public defender to appeal [his] sentence." (Dkt. No. 37). Over a year ago, the Court entered judgment after Solano-Espino pleaded guilty to illegal re-entry. (Dkt. No. 26). Ten days later, on October 22, 2020, Solano-Espino filed a Notice of Appeal. (Dkt. No. 28). Since Solano-Espino filed this Notice of Appeal, no motion has been filed in this Court other than the current motion requesting new appellate counsel. His appeal remains pending before the United States Court of Appeals for the Fifth Circuit. *See United States v. Solano-Espino*, No. 20-40726 (5th Cir. filed Oct. 27, 2020). While his trial and appellate counsel Aidan Perales filed an *Anders* brief and motion to withdraw as counsel before the Fifth Circuit, Solano-Espino has not filed a motion to substitute appellate counsel with the Fifth Circuit. A motion to substitute appellate counsel is best addressed by the Fifth Circuit. *See, e.g., United States v. Coleman*, No. 4:17-CR-83-SDJ-KPJ-1, 2020 WL 3022920, at *2 (E.D. Tex. Apr. 9, 2020) (collecting cases), *report and recommendation adopted*, No. 4:17CR83, 2020 WL 2992398 (E.D. Tex. June 3, 2020).

Accordingly, the Court **TRANSFERS** Defendant Jose Solano-Espino's *pro se* motion, (Dkt. No. 37), to the U.S. Court of Appeals for the Fifth Circuit.

It is SO ORDERED.

Signed on October 25, 2021.


Drew B. Tipton
DREW B. TIPTON
UNITED STATES DISTRICT JUDGE